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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,758	08/02/2001	Hiroaki Onishi	10921.99USWO	7944

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EXAMINER

GIBBS, HEATHER D

ART UNIT	PAPER NUMBER
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2625

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/890,758

Applicant(s)

ONISHI ET AL.

Examiner

Heather D. Gibbs

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3 and 5-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 5-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment filed on January 5, 2006 has been entered and made of record.

Response to Arguments

2. Applicant's arguments filed have been fully considered but they are not persuasive. Applicant argues, "Onishi does not suggest that the case is transparent and the glass cannot be considered equivalent to the claimed two piece transparent cover". Upon further review, the Examiner finds this limitation to be taught in with reference 22, the glass cover, as it is obvious to one of ordinary skill in the art that a glass cover is considered transparent. Also, Ref 22 Fig 3 shows wherein the glass cover has a surface on an image reading side and the opposing surface is away from the first surface.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1,3,5,15-16,18 are rejected under 35 U.S.C. 102(e) as being anticipated by Onishi et al (US 5,859,421).

The applied reference has a common inventor/assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding claim 1, which is representative of claims 5, 15-16, Onishi discloses an image sensor comprising: a transparent cover having a first surface on an image reading region side, and a second surface away from the first surface; a light source throwing light to the image reading region from a second-surface side of the transparent cover; and a plurality of light receiving elements each receiving reflected light from the image reading region and outputting an image signal corresponding to an amount of the light received; wherein the transparent cover includes a transparent main body of a synthetic resin, and a transparent glass member corresponding to the image reading region, wherein the transparent main body has a groove corresponding to the image reading region, the transparent glass member being placed in the groove; and wherein the transparent main body and the transparent glass member each has a surface which is flush with each other and provides the first surface (Col 2 Line 54-Col 3 Line 6; Col 3 Lines 23-32; Col 4 Lines 1-10).

For claim 3, Onishi teaches wherein the groove is provided by a through hole formed in the transparent cover (Col 3 Lines 7-13).

Considering claims 15 and 18, Onishi teaches a case covered by the transparent cover, the case enclosing the light source and the plurality of light receiving elements (Fig 6).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onishi et al '421 in view of Imagawa et al (US 5,455,412).

Onishi discloses the image sensor as described above.

Onishi does not disclose expressly wherein the transparent region is formed with a white spot or a black spot (Claim 6) and both the white spot and the black spot (Claims 7,9). Further, Onishi does not explicitly disclose wherein the image reading region is linear, the transparent cover having a nontransparent region corresponding to the other end of the portion of the image reading region (Claim 8).

Imagawa discloses wherein the transparent region is formed with a white spot or a black spot (Col 5 Lines 50-55; Fig 6); and both the white spot and the black spot (Fig 6); wherein the image reading region is linear, the transparent cover having a

nontransparent region corresponding to the other end of the portion of the image reading region (Col 1 Lines 30-33; 62-Col 2 Line 10).

Onishi & Imagawa are combinable because they are from the same field of endeavor.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Imagawa with Onishi.

The suggestion/motivation for doing so would have been to measure amounts of light in the image reading region in both reflective and transmission mode, as taught by Imagawa et al.

Therefore, it would have been obvious to combine Imagawa with Onishi to obtain the invention as specified in claims 6-9.

7. Claims 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onishi et al '421 in view of Tamura (US 5,943,141).

Onishi discloses the image sensor as described above.

Onishi does not disclose expressly and wherein the nontransparent region is provided by part of the glass member rendered nontransparent (Claim 10) and applied with a coating (Claim 11). Onishi does not disclose wherein the nontransparent region is provided by a nontransparent member pasted to a part of the glass member (Claim 12) and separate from the glass member and the cover main body, placed in the groove (Claim 13). Lastly, Onishi does not disclose wherein the groove is divided into a glass member-receiving portion for receiving the glass member and a nontransparent member-receiving portion for receiving the nontransparent member (Claim 14).

Tamura discloses wherein the nontransparent region is provided by part of the glass member rendered nontransparent (Col 12 Line 66- Col 13 Line 2); and applied with a coating (Col 12 Line 66- Col 13 Line 2; "applied with a non-transparent member"); wherein the nontransparent region is provided by a nontransparent member pasted to a part of the glass member (Col 12 Line 66-Col 13 Line 2); and separate from the glass member and the cover main body, placed in the groove (Fig 12A; Col 12 Line 66- Col 13 Line 2); wherein the groove is divided into a glass member receiving portion for receiving the glass member and a nontransparent member receiving portion for receiving the nontransparent member (Col 12 Line 66- Col 13 Line 21; Fig 12A).

Onishi & Tamura are combinable because they are from image reading apparatus/sensor.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Onishi and Tamura.

The suggestion/motivation for doing so would have been to provide means for shade correcting.

Therefore, it would have been obvious to combine Tamura with Onishi to obtain the invention as specified in claims 10-14.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

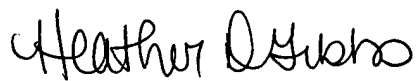
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather D. Gibbs whose telephone number is 571-272-7404. The examiner can normally be reached on M-Thu 8AM-7PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Heather D Gibbs
Examiner
Art Unit 2625

hdg



Thomas D. GEE